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LOS ANGELES

SAN FRANCISCO

PRINCETON

FLORHAM PARK

BERWYN

WILMINGTON

December 10, 2003

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Written *Ex Parte* Presentation of Nextel Communications, Inc.
Wireless Termination Tariffs, CC Docket No. 01-92

Dear Ms. Dortch:

As the Commission is aware, Nextel Communications, Inc. (“Nextel”) opposes state filed ILEC wireless termination tariffs as unlawful. On numerous occasions, Nextel and other CMRS carriers demonstrated that unilaterally filed wireless termination tariffs contravene the interconnection and reciprocal compensation requirements of the Communications Act. In particular, wireless termination tariffs, and the rates contained therein, violate the ILECs’ Section 251(b) (5) duty “to establish *reciprocal* compensation arrangements.”¹ Indeed, wireless termination tariffs typically involve one-way arrangements that, by ILEC fiat, require CMRS carriers to pay ILECs for call termination but do not reciprocally require ILECs to pay CMRS carriers for their call termination costs. In addition, wireless termination tariffs typically contain access-type charges for traffic termination and thus violate the cost-based pricing standards contained in Section 252(d) of the Act.

This *ex parte* follows up on the meetings between Nextel and T-Mobile USA, Inc. and staff of the Wireline Competition Bureau and Wireless Telecommunications Bureau collectively on May 16, as well as the meetings between Nextel and the Wireline Competition Bureau staff and Wireless Telecommunications Bureau staff on July 10 and July 15, 2003, respectively. During those meetings, the participants discussed the issues related to CMRS-ILEC interconnection, including the T-Mobile/Nextel petition for declaratory ruling requesting the Federal Communications Commission (“FCC” or “Commission”) to declare unlawful wireless termination tariffs filed by rural ILECs. Specifically, the meeting participants discussed the state wireless termination tariffs filed by CenturyTel, Inc. in its multi-state service areas and certain representations made by CenturyTel to the FCC staff that such termination tariffs are “lawful” and “cost-based,” and necessary to ensure that wireless carriers will come to them to negotiate interconnection arrangements.

In particular, this written *ex parte* provides further information and reason for prompt Commission action granting the T-Mobile/Nextel petition for declaratory ruling

¹ 47 U.S.C. § 251(b)(5) (emphasis added).

Nextel Communications, Inc. *Ex Parte* Presentation

December 10, 2003

Page 2

that state filed ILEC wireless termination tariffs are unlawful under the Communications Act of 1934, as amended. The additional information provided herein demonstrates that the earlier representations by CenturyTel are without merit.²

Earlier this year, CenturyTel undertook a full-scale attempt to file unlawful wireless termination tariffs in the majority of its multi-state service region. The rates contained in those tariffs typically exceed two or three cents per minute for a non-reciprocal termination charge. The tariffs do not provide for any payment from CenturyTel to CMRS carriers for intra-MTA traffic originated by a CenturyTel customer and terminated on a CMRS carrier's network. The CenturyTel non-reciprocal rates are far in excess of the reciprocal compensation rates (roughly \$0.0007 per minute) that Nextel has in place with the Regional Bell Operating Company operating in the same states as CenturyTel.

Regrettably, in the states of Alabama, Mississippi, Missouri, New Mexico, Oklahoma and Washington, CenturyTel's wireless termination tariffs were approved or allowed to become effective without any investigation of the rates and terms contained therein. In light of actions taken by CenturyTel in other states, these unlawful wireless termination tariffs should not be allowed to remain in effect.

It is most telling that in the states of Arizona, Colorado, Idaho, Indiana, Iowa, Montana, Nevada, Oregon, Tennessee, and Wyoming where CenturyTel's wireless termination tariffs came under scrutiny, CenturyTel chose to withdraw its tariff filings rather than justify and defend the rates and terms contained therein. Appropriately, some state commissions recognized that CenturyTel's wireless termination tariffs contained terms that conflict with the provisions of the Communications Act. In these jurisdictions, the state commission staff initiated formal investigations of the tariffs requiring that CenturyTel provide some justification of the rates and terms contained in the tariffs. CenturyTel's response was to withdraw its tariff filing as noted in the following examples:

- In **Colorado**, the PUC suspended CenturyTel's wireless termination tariff on May 28, 2003 and set the tariff for formal hearing on September 19, 2003. CenturyTel filed a motion to withdraw the tariff on July 29, 2003, which was deemed effective on September 4, 2003.

² See, e.g., *CenturyTel Ex Parte Letter*, CC Docket No. 01-92 (filed July 11, 2003).

Nextel Communications, Inc. *Ex Parte* Presentation

December 10, 2003

Page 3

- In Idaho, after receiving “numerous calls from wireless providers expressing concerns about this tariff,” the Idaho PUC determined to suspend the tariff and set it for comment. CenturyTel withdrew its Idaho tariff on July 9, 2003.
- In Iowa, the state commission issued an order on June 27, 2003 setting CenturyTel’s tariff for further review. In addition, the Iowa Commission ordered CenturyTel to file a response to the objections that had been filed against the tariff, including the joint opposition filed by Verizon Wireless, U.S. Cellular, and AT&T Wireless, which directly challenged the rates for interconnection set forth in the tariff. On July 16, 2003, CenturyTel withdrew the tariff.
- In Montana, the PSC served CenturyTel with discovery requests on July 9, 2003. In particular, the Montana PSC requested CenturyTel to provide the “actual annual costs” that CenturyTel incurs and thus finds necessary to recover from wireless carriers for termination of wireless traffic. Furthermore, the staff asked CenturyTel to “[e]xplain how the estimate is made and how CenturyTel knows that only CMRS are responsible for this cost incurrence.” The staff also asked for both non-proprietary information and proprietary materials to explain how the rate contained in the tariff (over 3 cents) was calculated. CenturyTel withdrew its Montana tariff on July 14, 2003.³

What is evident is that CenturyTel has been provided with ample opportunity in numerous states to justify the rates contained in its wireless termination tariffs. When CenturyTel had an opportunity to do so and show that its wireless termination tariff rates were cost-based and fair, CenturyTel chose instead to withdraw its tariff and not to answer the questions posed by the relevant state commissions. CenturyTel has demonstrated that it simply cannot justify the rates, terms and conditions contained in any of its wireless termination tariffs under any reading of the Communications Act’s interconnection provisions.⁴

³ See Attachments for a full list of CenturyTel’s state wireless termination tariff withdrawals.

⁴ Despite certain claims that it withdrew the tariffs for reasons of “workload” manageability, it is plain that in the majority of cases CenturyTel has withdrawn its tariffs because the tariffs have been set for investigation and CenturyTel would be required to justify its tariff filings.

Nextel Communications, Inc. *Ex Parte* Presentation

December 10, 2003

Page 4

Based on CenturyTel's pattern of withdrawal of its wireless termination tariffs when challenged, currently effective CenturyTel state wireless termination tariffs, which went unchallenged as to CenturyTel's claim that they were "lawful" and "cost-based," should not be allowed to stand.⁵ Once again, Nextel strongly suggests that the actions by CenturyTel and the conflicting state commission decisions on this matter demonstrate the need for Commission action in the above-referenced docket related to CMRS-ILEC interconnection, and in particular, the T-Mobile/Nextel petition for declaratory ruling requesting the FCC to declare unlawful wireless termination tariffs filed by CenturyTel and other ILECs.



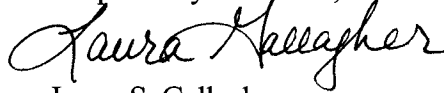
We have attached for your reference, a copy of CenturyTel's tariff withdrawal letters filed with each state commission and a chart showing the states that have requested information from CenturyTel and where, in response, CenturyTel has withdrawn its tariffs. Please do not hesitate to contact me if you have any questions with the attached documents.

⁵ Any claims by CenturyTel that termination tariffs are necessary to engage CMRS carriers in interconnection negotiations are completely disingenuous. Nextel has never refused to negotiate with any ILEC that requests interconnection pursuant to Section 251 of the Act. Furthermore, as CenturyTel itself admits, it has reciprocal compensation arrangements in place with several CMRS carriers, including Nextel West. *See CenturyTel Ex Parte Letter*, CC Docket No. 01-92, at 1 (filed July 11, 2003). Nextel West is an operating subsidiary of Nextel Communications, Inc.

Nextel Communications, Inc. *Ex Parte* Presentation
December 10, 2003
Page 5

In accordance with the Commission's rules, one copy of this letter is being filed electronically in the above-captioned docket. Copies of this letter are also being provided to the Commission staff listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Laura S. Gallagher". The signature is fluid and cursive, with the first name "Laura" being more prominent.

Laura S. Gallagher
Counsel for Nextel Communications, Inc.

LSG

cc: John Muleta, Wireless Telecommunications Bureau
Cathy Seidel, Wireless Telecommunications Bureau
Jennifer Tomchin, Wireless Telecommunications Bureau
Jared Carlson, Wireless Telecommunications Bureau
Peter Trachtenberg, Wireless Telecommunications Bureau
Stacy Jordan, Wireless Telecommunications Bureau
Joseph Levin, Wireless Telecommunications Bureau
William Maher, Wireline Competition Bureau
Jane Jackson, Wireline Competition Bureau
Tamara Preiss, Wireline Competition Bureau
Steve Morris, Wireline Competition Bureau
Victoria Schlesinger, Wireline Competition Bureau
Jay Atkinson, Wireline Competition Bureau
Robert Tanner, Wireline Competition Bureau
Joshua Swift, Wireline Competition Bureau

ATTACHMENTS

State	<u>Status of CenturyTel WT Tariff</u>	<u>If Withdrawn, Status of State Proceeding Prior to Withdraw</u>
Arizona	Withdrawn on September 9, 2003.	Tariff suspended; objection filed that tariffed rates not established under TELRIC.
Colorado	Withdrawal motion deemed effective on September 4, 2003.	Protests filed; tariff suspended.
Idaho	Withdrawn on July 9, 2003.	Tariff suspended upon recommendation of staff.
Indiana	Asked by IURC on August 20, 2003 to withdraw tariff; formally withdrawn by CenturyTel on September 4, 2003.	Informal review by staff.
Iowa	Withdrawn on July 16, 2003.	Objection filed on behalf of several carriers; commission issued order setting tariff for review.
Minnesota	Staff recommendation on September 25, 2003 to adopt CenturyTel tariff with conditions, including on condition that CenturyTel submit a cost-based rate; commission adopted tariff with conditions per staff recommendation and ordered CenturyTel to submit a revised tariff with cost-based rates by December 18, 2003. CenturyTel has not yet done so.	N/A
Montana	Withdrawn on July 15, 2003 and docket closed on August 19, 2003.	Set procedural schedule for pre-hearing discovery and pre-filed testimony; included discovery request for cost basis of tariff.
Nevada	Withdrawn on July 9, 2003.	Comments and intervenors requested.

Oregon	Motion to withdraw granted on September 23, 2003.	Commission suspended tariff and set for investigation because of concerns that the rates proposed in the tariff did not appear to be reasonable.
Tennessee	Withdrawn on June 5, 2003.	Tariff filed May 22, 2003. No proceeding started, including no request made for comments.
Wyoming	Withdrawn on August 29, 2003.	Suspended and set for investigation.

SEP-12-2003 12:54
805 Broadway
P.O. Box 9901
Vancouver, WA 98668-3701

ACC LEGAL DIVISION

P.02/02

RECEIVED

LEGAL
CENTURYTEL

2003 SEP -9 A 10:09

September 9, 2003

Docket Control Office
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

RECEIVED

SEP 09 2003

LEGAL DIV.
ARIZ. CORPORATION COMMISSION

Re: CenturyTel of the Southwest, Inc.
Docket No. T-03554A-03-0364
Wireless Local Termination Tariff

To Whom It May Concern:

CenturyTel of the Southwest, Inc. hereby requests to withdraw its filing, made on June 3, 2003, for a Wireless Local Termination Tariff.

CenturyTel filed this same type of tariff in most of the states in which it operates. It is also the case that CenturyTel has found it to be very challenging to attempt to litigate the filings in so many states at the same time. Therefore, in addition to Arizona, CenturyTel is also withdrawing the filing in other select states in order to create a more manageable workload.

CenturyTel does reserve the right to re-file this tariff at a later date should it determine that the expected recovery of lost revenue due to the continued refusal of certain carriers to enter into interconnection agreements will exceed the costs of litigating the filing.

If there are any questions, I can be contacted at the above address or at pam.donovan@centurytel.com.

Sincerely,

Pamela Donovan

Pamela Donovan,
Supervisor, Tariff

CC: Fennemore Craig, Attorneys for Qwest Corporation

JUL-31-2003 02:13PM FROM-PUBLIC UTILITIES COMMISSION

805 Broadway, VN1065
Vancouver, WA 98660-3277
Tel 360 905 8888
calvin.simshaw@centurytel.com

Calvin K. Simshaw
Vice President
Associate General Counsel - Regulatory

T-002 P.002/006 F-759

STATE OF COLORADO
PUBLIC UTILITIES COMMISSION
2003 JUL 30 AM 10:23
CENTURYTEL

July 29, 2003

OVERNIGHT COURIER

Bruce Smith, Executive Secretary
Colorado Public Utility Commission
1580 Logan Street
Logan Towers, Office Level 2
Denver, CO 80203

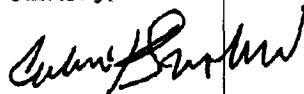
Re: Docket No. 03S-228T

Dear Mr. Smith:

Enclosed for filing in the above-referenced docket please find an original and five (5) copies of *CenturyTel's Motion to Withdraw Tariff Advice Letter*.

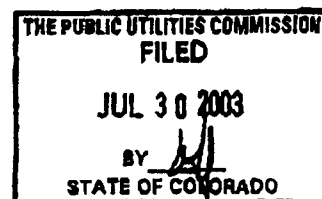
Thank you for your attention to this matter.

Sincerely,



Calvin K. Simshaw
Assoc. General Counsel - Regulatory

CKS:dm
Enclosures



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

2003 JUL 30 AM 10:23

Docket No. 03S-228T

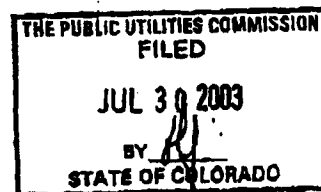
**RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY
CENTURYTEL OF COLORADO, INC. AND CENTURYTEL OF EAGLE, INC. WITH
ADVICE LETTER NO. 03-03, AS AMENDED.**

CENTURYTEL'S MOTION TO WITHDRAW TARIFF ADVICE LETTER

CenturyTel of Colorado, Inc. and CenturyTel of Eagle, Inc. (collectively "CenturyTel"), pursuant to 4 CCR 723-1-22 (h) (3), hereby submit this motion to withdraw Tariff Advice Letter No. 03-03 as amended. Tariff Advice Letter No. 03-03 was suspended and set for hearing by the Commission in Decision No. C03-0582 adopted May 28, 2003 in Docket No. 03S-288T.

Tariff Advice Letter No. 03-03 would have established a new tariff authorizing assessment of charges for termination of wireless intraMTA traffic. Termination of such traffic is preferably addressed in local interconnection agreements with the wireless carriers. Therefore the proposed new tariff was intended to apply only in the absence of such interconnection agreements. CenturyTel has recently made sufficient progress toward achieving additional interconnection agreements with wireless carriers so as to mitigate some of its concerns regarding termination of such traffic and thereby alleviate the immediate need for a new tariff.

CenturyTel submits that intervening parties in this docket will not be prejudiced by withdrawal of the tariff as all such parties have stated objection to the tariff.



Now therefore, CenturyTel requests that it be allowed to withdraw Tariff Advice Letter
No. 03-03 as amended.

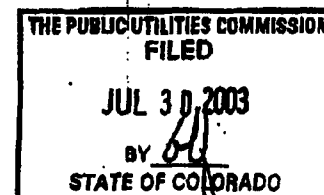
Respectfully submitted this 29th day of July 2003.

CENTURYTEL OF COLORADO, Inc.
CENTURYTEL OF EAGLE, Inc.

By: 
Calvin K. Simshaw
Assoc. Gen. Counsel

CenturyTel
805 Broadway
Vancouver, WA 98661

360-905-5958 Voice
360-905-5953 Fax
calvin.simshaw@centurytel.com



CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of July, 2003 a true and correct copy of *CenturyTel's Motion to Withdraw Tariff Advice Letter in Docket No. 03S-228T* was served upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination.

Mark K. Williams
Christian H. Hendrickson
Cage Williams Abelman & Layden, PC
1433 17th Street
Denver, CO 80202

Suzie Rao
Western Wireless Corporation
3650 131st Avenue SE, #400
Bellevue, WA 98006

Cindy Manheim
AT&T Wireless Services
7277 164th Avenue NE, RTC1
Redmond, WA 98052

Simon P. Lipstein
Assistant Attorney General
Office of the Attorney General
1525 Sherman Street, 5th Floor
Denver, CO 80203

Geri Santos-Rach
Public Utilities Commission
1580 Logan Street, OL-2
Denver, CO 80203

Jeffrey Glover
CenturyTel
P.O. Box 4065
Monroe, LA 71211

Daniel Waggoner
Davis, Wright, Tremaine, LLP
1501 Fourth Avenue
2600 Century Square
Seattle, WA 98101-1688

Daniel J. Menser
T-Mobile USA, Inc.
12920 SE 38th Street
Bellevue, WA 98006

Craig D. Joyce
Walters & Joyce, PC
2015 York Street
Denver, CO 80205

Winslow B. Waxter
Andrew B. Clauss
Qwest Services Corporation
1005 17th Street, Suite 200
Denver, CO 80202

David A. LaFuria
Lukas, Nace, Gutierrez & Sachs
1111 19th Street, Suite 1200
Washington, DC 20036

Roxi Nielsen
Public Utilities Commission
1580 Logan Street, OL-2
Denver, CO 80203



805 Broadway
R.O. Box 3901
Vancouver, WA 98668-8701

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FILED



2003 JUL -9 AM 9:02

July 9, 2003

IDAHO PUBLIC
UTILITIES COMMISSION

CENTURYTEL

Ms Jean Jewell
Secretary to the Commission
Idaho Public Utilities Commission
472 West Washington Avenue
Boise, ID 83720

CEN-T-03-01

Re: CenturyTel of Idaho, Inc
Wireless Local Termination Tariff
Tariff Advice 03-06

Dear Ms. Jewell:

CenturyTel wishes to withdraw its proposed new tariff for intraMTA traffic originated by Commercial Mobile Radio Service (CMRS) providers who do not have interconnection agreements with the Company and who terminate traffic to end-user subscribers of the Company. The Company had originally requested that the filing be made effective on July 2, 2003. Please withdraw the filing.

If there are any questions, please contact me at the address listed above or at my telephone number, 360 905-7918.

Sincerely,

Pamela Donovan for
Pamela Donovan,
Supervisor, Tariffs

OCT-24-2003 FRI 03:28 PM

FAX NO.

P. 02/02

805 Broadway
P.O. Box 9901
Vancouver, WA 98668-8701



September 4, 2003

Mr. Jerry Webb
Director of Gas/Water/Sewer
Indiana Utility Regulatory Commission
302 West Washington Street, Suite E306
Indianapolis, IN 46204

RE: CenturyTel of Odon, Inc.
Wireless Local Termination Tariff

Dear Mr. Webb:

CenturyTel of Odon, Inc. hereby requests to withdraw the filing originally made on July 25, 2003 for a Wireless Local Termination tariff. CenturyTel made the filing as a 30-day filing. Staff has requested that we withdraw it and, if we want to continue, to refile it as a petition. CenturyTel does reserve the right to re-file this tariff at a later date should it determine that the expected recovery of lost revenue due to the continued refusal of certain carriers to enter into interconnection agreements will exceed the costs of litigating the filing.

If you have any questions concerning this filing, you may contact me at the above address or e-mail me at pam.donovan@centurytel.com. My telephone number is 360-905-7918.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Donovan".

Pamela Donovan
Supervisor, Tariffs

cc: OUCC

RECEIVED

SEP 5 2003

INDIANA UTILITY REGULATORY
COMMISSION
GAS/WATER/SEWER DIVISION

08/05/03

14:17

IA UTILITIES BOARD → 912828428465

NO. 899 002

805 Broadway
P.O. Box 9901
Vancouver, WA 98668-8701

TF- 03-165

July 16, 2003

CENTURYTEL
COPY FILED WITH
Executive Secretary

JUL 16 2003

IOWA UTILITIES BOARD

Ms. Judy Cooper
Executive Secretary
Iowa Utilities Board
Iowa Department of Commerce
350 Maple Street
Des Moines, IA 50319-0069

Re: CenturyTel of Postville, Inc
Wireless Local Termination Tariff
TF-03-165

Dear Ms. Cooper:

CenturyTel of Postville, Inc. hereby requests to withdraw the filing made on May 29, 2003 to establish a new tariff for Wireless Local Termination. Docket number TF-03-165 was assigned to the filing.

CenturyTel filed this same type of tariff in most of the states in which it operates. CenturyTel has found that it is unrealistic to attempt to litigate the filings in so many states at the same time. Therefore CenturyTel is withdrawing the filing in select states in order to create a more manageable workload.

CenturyTel does reserve the right to re-file this tariff at a later date should it determine that the expected recovery of lost revenue due to the continued refusal of certain carriers to enter into interconnection agreements will exceed the costs of litigating the filing.

Sincerely,

Pamela Donovan

Pamela Donovan
Supervisor, Tariffs

cc: Service List
Docket TF-03-165

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer
Marshall Johnson
Ken Nickolai
Phyllis A. Reha
Gregory Scott

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Wireless Local Termination
Tariff Applicable to Commercial Mobile Radio
Service Providers that Do Not Have
Interconnection Agreements with CenturyTel of
Minnesota

ISSUE DATE: November 18, 2003

DOCKET NO. P-551/M-03-811

ORDER REQUIRING REVISED FILING

PROCEDURAL HISTORY

On May 29, 2003, CenturyTel of Minnesota (CenturyTel) filed a tariff that would, among other things, charge commercial mobile radio service providers ("CMRS providers" or "wireless carriers") \$0.02447 per minute to terminate a call to a CenturyTel landline customer that originated within the Minneapolis "Major Trading Area" (MTA).¹ But the tariff would not apply to carriers that had a Commission-approved interconnection agreement or termination agreement with CenturyTel that contained contrary terms.

On July 17, 2003, the Commission received comments from CenturyTel and collectively from AT&T Wireless Services, Inc.; Midwest Wireless Communications, L.L.C.; NPCR, Inc., doing business as Nextel Partners; Rural Cellular Corp.; T-Mobile USA, Inc.; and WWC Holding Co., Inc., doing business as Western Wireless (collectively, the Wireless Consortium).

On August 13, 2003, the CenturyTel, the Wireless Consortium, and the Minnesota Department of Commerce (the Department) filed comments.

The Commission met on September 25, 2003 to consider this matter.

¹ For purposes of issuing licences for a kind of cellular phone service called Personal Communications Service (PCS), the Federal Communications Corporation (FCC) has divided the country into 51 MTAs. See generally 47 C.F.R. § 24.202(a). The Minneapolis MTA encompasses nearly all of Minnesota and North Dakota, as well as parts of Iowa, South Dakota and Wisconsin.

FINDINGS AND CONCLUSIONS

I. BACKGROUND

Since the 1980s, local service providers have charged a fee to transmit and complete calls originating on other carriers' networks.² These fees are set forth in the providers' tariffs.³

More recently, Congress has sought to open the local telecommunications market to competition by adopting the Telecommunication Act of 1996 (1996 Act).⁴ The 1996 Act imposes different obligations on different categories of telecommunications carriers. For example, the 1996 Act requires all telecommunications carriers to interconnect their networks to permit the customers of one carrier to call the customers of another carrier.⁵ The 1996 Act and its accompanying regulations impose certain additional duties on incumbent local exchange carriers (ILECs), including the duty to –

- permit competitive carriers to interconnect with their networks on just, reasonable and nondiscriminatory terms,⁶
- establish reciprocal compensation arrangements for the use of one carrier's network to transmit and complete calls from another carrier's customers,⁷
- negotiate in good faith the terms of this interconnection and reciprocal compensation,⁸ including submitting to binding arbitration where necessary,⁹ and

² This compensation scheme arose when American Telephone and Telegraph Company's local exchange service operations were divested from its long-distance operations. See FCC Common Carrier Docket 78-72 Third Report and Order, 93 F.C.C.2d 241 (rel. March 11, 1983), on recon. FCC83-356 (rel. September 21, 1983); *In the Matter of a Summary Investigation Into IntraLATA Toll Access Compensation for Local Exchange Carriers Providing Telephone Service Within the State of Minnesota*, Docket No. P-999/CI-85-582 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER AND ORDER INITIATING SUMMARY INVESTIGATIONS (November 2, 1987) (*IntraLATA Toll Access Order*).

³ *IntraLATA Toll Access Order* at 15-16 (selecting tariffs over contractual arrangements).

⁴ Pub.L.No. 104-104, 110 Stat. 56, codified in various sections of Title 47, United States Code.

⁵ 47 U.S.C. § 251(a)(1).

⁶ 47 U.S.C. § 251(c).

⁷ 47 U.S.C. § 251(b)(5).

⁸ 47 U.S.C. § 251(c)(1).

⁹ 47 U.S.C. § 252(b).

- permit a competitor to begin using their networks immediately upon the competitor's request to enter into an agreement for such use.¹⁰

A reciprocal compensation arrangement sets forth the terms by which a carrier agrees to complete calls to its subscribers that originate within the same local calling area but on another carrier's network, and vice versa. Compensation may be based on the amount of traffic that each carrier terminates to the other carrier's network. Alternatively, the carriers may agree to a "bill and keep" arrangement whereby each carrier agrees to waive its right to bill the other for the use of the other carrier's network. Reciprocal compensation arrangements may displace traditional tariff arrangements.

Wireless carriers are not subject to all the obligations of an incumbent carrier,¹¹ including the general obligation to negotiate in good faith. Only when a wireless carrier requests interconnection and reciprocal compensation does the 1996 Act require the carrier to negotiate in good faith.¹² The Commission has approved hundreds of agreements between wireless carriers and ILECs, derived through negotiation, arbitration, and the adoption of terms approved in prior agreements.

II. CENTURYTEL'S TARIFF FILING

CenturyTel proposes a new tariff charging wireless carriers \$0.02447 per minute to terminate a local call to a CenturyTel landline customer or to receive a call from a CenturyTel landline customer. This tariff would apply except as otherwise provided in a Commission-approved agreement between CenturyTel and a wireless carrier. The tariff would authorize CenturyTel to discontinue service to any wireless carrier that failed to comply with the tariff.

III. PARTY POSITIONS

A. Wireless Consortium

The Wireless Consortium claims that CenturyTel's proposal is barred by federal law, arguing as follows:

- Federal law preempts state law with respect to wireless carriers.
- The 1996 Act establishes a comprehensive scheme for creating compensation mechanisms for ILECs and therefore preempts any state law compensation schemes.
- By unilaterally imposing a price on a wireless carrier, CenturyTel's proposed tariff undercuts the carrier's bargaining position and represents bad-faith bargaining.

¹⁰ 47 C.F.R. § 715(a).

¹¹ 47 U.S.C. § 153(26) (The term "local exchange carrier" does not include providers of "commercial mobile service," thereby exempting wireless carriers from LEC obligations).

¹² 47 C.F.R. § 715(a).

In addition, the Wireless Consortium claims that CenturyTel's tariff is unreasonable. It argues that CenturyTel's proposed termination rate is excessive, does not reflect CenturyTel's costs, and appears to be a kind of access charge. The effect of this unreasonably high rate is to discriminate against carriers that lack termination agreements with CenturyTel.

The Consortium complains that the tariff does not provide reciprocal compensation, in that it does not provide for CenturyTel to compensate wireless carriers when CenturyTel sends traffic over a wireless carrier's network. Additionally, the Consortium objects that the proposed tariff provides for discontinuing service to wireless carriers that violate the tariff's terms.

Finally, the Consortium argues that the tariff is unnecessary. The fact that many wireless carriers have entered into interconnection agreements with ILECs refutes CenturyTel's argument that it lacks a means to compel wireless carriers to negotiate reciprocal compensation. The Consortium defends carriers that terminate calls to CenturyTel's network without any agreement, arguing that "Many carriers maintain *de facto* bill and keep arrangements with carriers with whom traffic levels are small or balanced."¹³

B. CenturyTel

CenturyTel asks the Commission to approve its proposed tariff. What the Wireless Consortium characterizes as "*de facto* bill and keep arrangements" CenturyTel decries as a practice by which certain wireless carriers avoid paying for the use of CenturyTel's service.

CenturyTel emphasizes that its proposed tariff would not apply to any wireless carrier that had a Commission-approved agreement with CenturyTel containing contrary terms. Nor would the tariff impinge upon a carrier's right to obtain an agreement with CenturyTel; the 1996 Act guarantees that right. CenturyTel has no reluctance to enter into such agreements with wireless carriers. To the contrary, the Wireless Consortium acknowledges CenturyTel's history of entering into interconnection agreements and termination agreements with wireless carriers. Consequently, CenturyTel argues, the tariff does not conflict with or otherwise affect the operation of the 1996 Act. Rather, the tariff is designed to address only those carriers that decline to avail themselves of the 1996 Act, both its benefits and its duties.

CenturyTel disputes the claim that the 1996 Act preempts state procedures for intercarrier compensation by providing a comprehensive scheme of its own. CenturyTel argues that the 1996 Act does not provide a mechanism by which CenturyTel can compel a wireless carrier to enter into negotiations over the terms for using CenturyTel's network. Consequently, the 1996 Act's scheme is not comprehensive, and this aspect of state regulation has not been preempted.

While CenturyTel acknowledges that its proposed termination rate is higher than the termination rate in some of CenturyTel's interconnection agreements, CenturyTel argues that the cost of enforcing a termination tariff with a wireless carrier may justify the higher overhead costs.

¹³ Wireless Consortium comments at 3.

It may very well be that a CMRS provider negotiating an Interconnection Agreement can argue that the costs of exchanging traffic with it are lower than the costs of exchanging traffic with an uncooperative CMRS provider whose traffic must be searched out, tracked down and invoiced through a general tariff provision.¹⁴

CenturyTel disputes the claim that its proposed tariff is discriminatory or otherwise unreasonable. Because any carrier may opt out of the tariff by simply exercising its right to enter into an interconnection agreement, CenturyTel argues that concerns about the tariff's discriminatory impact should be discounted.

C. The Department

Similar to CenturyTel, the Department concludes that the Commission has the authority to approve a tariff designed to recover termination charges from wireless carriers that are not otherwise governed by an agreement. But the Department shares many of the Wireless Consortium's concerns about the terms of the specific tariff proposed by CenturyTel.

The Department recommends that the Commission not allow CenturyTel's proposed tariff to take effect until after CenturyTel has provided additional information, and perhaps after it has revised the tariff's terms. In particular, the Department argues that CenturyTel should demonstrate that its proposed rates reflect its costs and are not otherwise unreasonably discriminatory. The Department argues that the tariff should not permit CenturyTel to unilaterally discontinue service to a carrier. The Department seeks clearer language specifying that the tariff would not apply when an interconnection agreement exists between the parties, and recommends the following: "This tariff applies unless a Commission-approved interconnection agreement exists between the CMRS provider and the Telephone Company."

In addition, the Department argues that the tariffs should provide for reciprocity and should not charge wireless carriers for calls originating on CenturyTel's network. While the Department argues that state-law tariffs are not subject to the 1996 Act's reciprocity requirement, the Department recommends that CenturyTel add to its tariff a statement to the effect that nothing in the tariff precludes CenturyTel from providing reciprocal compensation. Moreover, while CenturyTel cannot establish the rate that a wireless provider will charge for terminating CenturyTel's calls, CenturyTel could take a step in that direction. Specifically, CenturyTel's tariff could offer to credit a wireless carrier for the amount of traffic that CenturyTel terminates to that carrier's network. In this manner, the tariff could provide a kind of compensation to a wireless carrier without explicitly setting rates for the carrier.

¹⁴ CenturyTel reply comments at 13-14.

IV. COMMISSION ACTION

A. Commission Authority to Approve Tariff

In opposing CenturyTel's proposal, the Wireless Consortium argues that the Commission is preempted by both federal regulation of wireless service in general, and by the 1996 Act in particular. The Commission is not persuaded.

The fact that this tariff addresses wireless carriers does not mean that the tariff is beyond the Commission's authority. The tariff does not purport to regulate the rates charged by wireless carriers; it regulates the rates charged by a telephone company, which is a matter indisputably within the Commission's jurisdiction. Minnesota Statutes § 237.07, subdivision 1, states:

Every telephone company shall keep on file with the department a specific rate, toll, or charge for every kind of noncompetitive service and a price list for every kind of service subject to emerging competition, together with all rules and classifications used by it in the conduct of the telephone business, including limitations on liability.

This statute authorizes the type of tariff contemplated here.

The Wireless Consortium also argues that the 1996 Act included a comprehensive scheme for intercarrier compensation, thereby preempting state mechanisms. In support of this assertion, the Consortium notes many examples of termination agreements between wireless carriers and ILECs. But the Consortium never identifies the statutes or rules that would enable CenturyTel to require such agreements. The fact that many wireless carriers have chosen to cooperate in arranging mutual compensation is not proof that all carriers will do so. And if a carrier chooses not to do so, then a tariff provides an appropriate mechanism for securing compensation. As the Missouri Court of Appeals concluded in a similar case, "The tariffs reasonably fill a void in the law where the wireless companies routinely circumvent payment to the rural carriers by calculated inaction."¹⁵

This Commission has previously permitted wireless termination tariffs for Barnesville Municipal Telephone Company,¹⁶ Delavan Telephone Company¹⁷ and Lakedale Telephone Company.¹⁸ The Commission finds that it has authority to permit CenturyTel to adopt such a tariff as well.

¹⁵ *Sprint Spectrum, L.P., et al., v. Missouri Public Service Commission, et al.*, 2003 WL 1960681, __ S.W.3d __ (Mo. App. W.D. 2003).

¹⁶ Docket No. P-502/M-98-1095; tariff effective July 28, 1998.

¹⁷ Docket No. P-51/M-98-968; tariff effective July 8, 1998.

¹⁸ Docket No. P-413/M-98-216; tariff effective May 27, 1998.

B. Merits of Proposed Tariff

Finding that the Commission has the authority to adopt a tariff charging wireless carriers a fee for terminating local traffic on a LEC's network, the Commission must now address whether CenturyTel's proposed tariff in particular warrants approval.

1. Rate

CenturyTel proposes to charge \$.02447 per minute to complete a local call from a wireless carrier to a CenturyTel customer, unless the carrier has an agreement with CenturyTel that provides for a different charge. The Department and the Wireless Consortium argue that this rate is not justified by CenturyTel's costs. The Department argues that CenturyTel's rate incorporates a disproportionate share of CenturyTel's overhead costs. The Consortium characterizes the rate as a prohibited access rate.

Overhead costs are not directly assignable to any given item and are typically allocated throughout a company's operations, often in proportion to direct cost. For example, the Commission authorizes Qwest to increase the direct cost of unbundled network elements by 10.4% to reflect overhead costs.¹⁹

In this case, CenturyTel says that it calculated its proposed termination charge by identifying direct costs related to this service, including "Common Overhead" costs, of \$.00921 per minute. But CenturyTel then increases this amount by 166% to recover additional unspecified overhead costs, resulting in its proposed charge of \$.02447 per minute. In contrast, CenturyTel acknowledges that the termination rate in many of its interconnection agreements with wireless providers is only \$.018 per minute.

While the Wireless Consortium characterize CenturyTel's proposed rate as an "access" rate, the Consortium is unclear about what distinguishes an access rate from a termination rate. While access rates apply to calls between parties in different local calling areas, CenturyTel has not proposed to apply its termination tariff to such calls. In essence, the Consortium's access rate argument appears to be another way of arguing that CenturyTel's rate is excessive.

CenturyTel argues that the cost of enforcing a termination tariff with a wireless carrier may justify the higher overhead costs. But whether or not CenturyTel might be able to justify its proposed rate based on enforcement costs, CenturyTel has not done so yet. The Commission will direct CenturyTel to revise its tariff filing to provide for a termination tariff with a wireless carrier.

¹⁹ *In the Matter of the Commission Review and Investigation of Qwest's Unbundled Network Elements Prices*, Docket No. P-421/CI-01-1375, *In the Matter of the Commission's Review and Investigation of Certain Unbundled Network Element Prices of Qwest*, Docket No. P-442, 421, 3012/M-01-1916 ORDER SETTING PRICES AND ESTABLISHING PROCEDURAL SCHEDULE (October 2, 2002), Attachment p. A-2.

2. Discrimination

As noted above, CenturyTel argues that there may be a basis for charging more to terminate calls pursuant to a tariff than pursuant to an interconnection agreement. But given the size of the disparity between these two termination rates, the Department and the Wireless Consortium express concern that CenturyTel's proposed tariff would discriminate against a wireless carrier that lacks an interconnection agreement. The Commission shares these concerns and will direct CenturyTel, in filing its revised tariff, to ensure that its proposed rates are not unreasonably discriminatory.

3. Reciprocity

The Wireless Consortium argues that CenturyTel's proposed tariff is deficient because it is not reciprocal – that it, it requires payments from wireless carriers to CenturyTel but does not provide for payments from CenturyTel to wireless providers. While the 1996 Act requires that interconnection agreements provide for reciprocal compensation, tariffs filed pursuant to Minnesota Statutes only cover the rates charged by the regulated entity.²⁰ Consequently, CenturyTel had no obligation to include in its tariffs the rates that wireless carriers could charge CenturyTel.

Nevertheless, nothing in the tariff precludes a wireless carrier from charging CenturyTel the same rates that CenturyTel charges the wireless carrier. To clarify this point, the Commission will direct CenturyTel to state this fact in its tariff, as recommended by the Department.

In addition, the Commission favors the Department's recommendation that CenturyTel offer to credit a wireless carrier for the amount of traffic that CenturyTel terminates to that carrier's network. The Commission will direct CenturyTel to include such a provision in its tariff or explain why this recommendation is not technically feasible.

4. Effect of Interconnection Agreement

All parties agree that CenturyTel's proposed tariff should not apply to a wireless carrier where CenturyTel has an interconnection agreement with the carrier. The Department argues that the language of the proposed tariff could be made clearer on this point, and recommends that the Commission direct CenturyTel to clarify this language. The Commission finds this recommendation reasonable, and will direct CenturyTel to comply.

5. Discontinuance of Service

CenturyTel's proposed tariff states that CenturyTel may discontinue service to a wireless carrier if the carrier fails to comply with the tariff, including failing to pay. The Commission prohibits any carrier from disconnecting another without prior Commission approval.²¹ The Department

²⁰ Minn. Stat. § 237.07, subd. 1.

²¹ See, for example, Docket No. P-5426/M-97-850 (August 13, 1997).

recommends that the Commission direct CenturyTel to conform its tariff to this policy. The Commission finds the Department's recommendation reasonable and will direct CenturyTel to comply.

6. Traffic Originating from CenturyTel Customers

Most of CenturyTel's tariff pertains to charges for completing calls to CenturyTel's customers originated by wireless customers. But the proposed tariff's Section F ("Land to Mobile Transmitting") would impose a charge on wireless carriers for the privilege of completing calls originated by CenturyTel's customers. This language violates longstanding convention and FCC rules.²² The Department recommends that this part of the tariff be deleted. The Commission finds this recommendation reasonable and will direct CenturyTel to comply.

The Commission will so order.

ORDER

1. CenturyTel shall promptly submit a revised filing that contains the following features:
 - cost-based rates;
 - a rate that is not otherwise discriminatory;
 - a statement that the tariff does not eliminate reciprocity for termination rates;
 - a provision for offsetting the amount of traffic that a wireless carrier terminates on CenturyTel's network by the amount of traffic that CenturyTel terminates to the wireless carrier's network, if technically feasible;
 - language clarifying that the tariff does not apply when an interconnection agreement exists between the parties, such as "This tariff applies unless a Commission-approved interconnection agreement exists between the CMRS provider and the Telephone Company";
 - language to the effect that termination of service shall not occur without prior Commission approval; and
 - deletion of Section F (Land to Mobile Transmitting).

²² 47 C.F.R. § 51.703(b).

805 Broadway
P.O. Box 9801
Vancouver WA 98668-8701

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2003 JUL 15 AM 9:55

PUBLIC SERVICE
COMMISSION

MASTER FILE
Computer Indexed

CENTURYTEL

July 14, 2003

Mr. Steve Vick, Administrator
Montana Public Service Commission
1701 Prospect Avenue
PO Box 202601
Helena, Montana 59620-2601

Re: Transmittal No. 03-04
Docket No. D2003.4.47

Dear Mr. Vick:

CenturyTel of Montana, Inc. dba CenturyTel hereby requests to withdraw Tariff Transmittal No. 03-04, filed on April 7, 2003 to establish a new tariff for Wireless Local Termination. Docket No. D2003.4.47 was assigned to the filing.

CenturyTel filed this same type of tariff in most of the states in which it operates. CenturyTel has found that it is unrealistic to attempt to litigate the filings in so many states at the same time. Therefore CenturyTel is withdrawing the filing in select states in order to create a more manageable workload.

CenturyTel does reserve the right to re-file this tariff at a later date should it determine that the expected recovery of lost revenue due to the continued refusal of certain carriers to enter into interconnection agreements will exceed the costs of litigating the filing.

Sincerely,

Pamela Donovan

Pamela Donovan
Supervisor, Tariffs

cc: Service List
Docket D2003.4.47

805 Broadway
P.O. Box 3901
Vancouver, WA 98668-0701

RECEIVED
PUBLIC UTILITIES COMMISSION
OF NEVADA CARSON CITY

03 JUL -9 AM 9:47

CENTURYTEL

July 9, 2003

Ms. Crystal Jackson
Commission Secretary
Public Utilities Commission of Nevada
1150 East William Street
Carson City NV 89701

Re: CenturyTel of the Gem State, Inc
Wireless Local Termination Tariff
Tariff Advice: 3-03 and Docket 03-6020

Dear Ms. Jackson:

CenturyTel wishes to withdraw its proposed new tariff for intraMTA traffic originated by Commercial Mobile Radio Service (CMRS) providers who do not have interconnection agreements with the Company and who terminate traffic to end-user subscribers of the Company. The Company had originally requested that the filing be made effective on July 9, 2003. Please withdraw the filing.

If there are any questions, please contact me at the address listed above or at my telephone number, 360 905-7918.

Sincerely,

Pamela Donovan for
Pamela Donovan,
Supervisor, Tariffs

cc: Attorney General's Office

'03 10/24 16:44 FAX

OR PUC UTILITY

805 Broadway, VH1065
Vancouver, WA 98660-3277
Tel 360 905 5958
calvin.simshaw@centurytel.com

Calvin K. Simshaw
Vice President
Associate General Counsel - Regulatory

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SEP 12 2003

P.U.C.

CENTURYTEL

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SEP 12 2003

Public Utility Commission of Oregon
Administrative Hearings Division

September 11, 2003

Kaye Barnes
Administrative Hearings Division
Oregon Public Utility Commission
PO Box 2148
Salem, OR 97308-2148

Re: UT 156 CenturyTel Tariff

Enclosed for filing please find an original and 5 copies of *CenturyTel's Motion to Withdraw Tariff Advice Letter* in the above-referenced matter.

Sincerely,



Calvin K. Simshaw
Assoc. Gen. Counsel

Encl.

cc: Alan Arlow, ALJ
Service List
Bill Weinman

DOCKETED

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UT 156

RECEIVED**SEP 12 2003**Public Utility Commission of Oregon
Administrative Hearings Division

In the Matter of)

CENTURYTEL OF OREGON, INC.)

Proposed Tariff for Telecommunications
Service)

Advice No. 246)

CENTURYTEL'S MOTION TO WITHDRAW TARIFF ADVICE LETTER

CenturyTel of Oregon, Inc. and CenturyTel of Eastern Oregon, Inc. (collectively "CenturyTel"), pursuant to 4 CCR 860-013-0031, hereby submit this motion to withdraw Tariff Advice No. 246. Tariff Advice No. 246 was suspended by the Commission in Order No. 03-383 dated July 1, 2003.

Tariff Advice No. 246 would have established a new tariff authorizing assessment of charges for termination of wireless intraMTA traffic. Termination of such traffic is preferably addressed in local interconnection agreements with the wireless carriers. Therefore the proposed new tariff was intended to apply only in the absence of such interconnection agreements. CenturyTel has recently made sufficient progress toward achieving additional interconnection agreements with wireless carriers so as to mitigate some of its concerns regarding termination of such traffic and thereby alleviating the immediate need for a new tariff.

DOCKETED

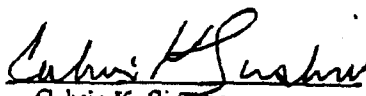
CenturyTel submits that intervening parties in this docket will not be prejudiced by withdrawal of the tariff.

Now therefore, CenturyTel requests that it be allowed to withdraw Tariff Advice No. 246 and that the procedural schedule in this docket be vacated.

Respectfully submitted this 11th day of September 2003.

CENTURYTEL OF OREGON, Inc.
CENTURYTEL OF EASTERN OREGON, Inc.

By:


Calvin K. Simshaw
Assoc. Gen. Counsel

CenturyTel
805 Broadway
Vancouver, WA 98661

360-905-5958 Voice
360-905-5953 Fax
calvin.simshaw@centurytel.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *CenturyTel's Motion to Withdraw Tariff Advice* Letter has been served on each party listed below via first class mail, postage prepaid on September 11, 2003.


Dolores M. Miller

Jason Jones
Department of Justice
1162 Court Street NE
Salem, OR 97301-4096

Richard A. Finnigan
Law Office of Richard A. Finnigan
2405 Evergreen Park Dr SW, Suite B-1
Olympia, WA 98502

Alex M. Duarte
Qwest Corporation
421 SW Oak Street, Room 810
Portland, OR 97204

Lawrence H. Reichman,
Perkins Coie LLP
1211 SW Fifth Avenue, Suite 1500
Portland, OR 97204-3715

Pam Donovan
CenturyTel of Oregon, Inc.
805 Broadway
Vancouver, WA 98668-9901

Mark P. Trincherro
Davis Wright Tremaine, LLP
1300 SW Fifth Avenue, Suite 2300
Portland, OR 97201-5682

07/31/2003 14:47 615-741-2336
06/05/2003 11:10 360-905-7579

TRA
CENTURYTEL TARIFFS

PAGE 04/04
PAGE 02

805 Broadway
Rd, Box 1901
Vancouver WA 98660-5701



June 5, 2003

Darlene Standley, Deputy Chief Telecom
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: Request to withdraw tariff filing

Dear Ms. Standley:

CenturyTel of Ooltawah-Collegedale, Inc. dba CenturyTel hereby requests to withdraw the filing made on May 22, 2003 for Wireless Local Termination.

If you have any questions, you can contact me at 360-905-7518, or at the above address.

Sincerely,

Pamela Donovan
Pamela Donovan
Supervisor, Tariffs

07/31/2003 14:47 615-741-2336
06/05/2003 11:10 360-905-7979

TRA
CENTURYTEL TARIFFS

PAGE 03/04
PAGE 03

201 Broadway
R.O. Box 8801
Nashville, TN 37208-0701

CENTURYTEL

June 5, 2003

Darlene Standley, Deputy Chief Telecom
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: Request to withdraw tariff filing

Dear Ms. Standley:

CenturyTel of Claiborne Inc. dba CenturyTel hereby requests to withdraw the filing made on May 22, 2003 for Wireless Local Termination.

If you have any questions, you can contact me at 360-905-7979, or at the above address.

Sincerely,

Pamela Donovan
Pamela Donovan
Supervisor, Tariffs

07/31/2003 14:47 615-741-2336
06/05/2003 11:10 3F 957979

TRA
CENTURYTEL TARIFFS

PAGE 02/04
PAGE 04

905 Broadway
A.O. Box 5801
Vancouver, WA 98660-5701

CENTURYTEL

June 5, 2003

Darlene Standley, Deputy Chief Telecom
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: Request to withdraw tariff filing

Dear Ms. Standley:

CenturyTel of Adamsville, Inc. dba CenturyTel hereby requests to withdraw the filing made on May 22, 2003 for Wireless Local Termination.

If you have any questions, you can contact me at 360-605-7918. or at the above address.

Sincerely,

Pamela Donovan
Pamela Donovan
Supervisor, Tariffs

805 Broadway
P.O. Box 9901
Vancouver, WA 98668-8701



August 28, 2003

RECEIVED

AUG 29 2003

Public Service Commission
Wyoming

Mr. Stephen G. Oxley, Secretary
Wyoming Public Service Commission
Hansen Building, Suite 30
2515 Warren Ave.
Cheyenne, Wyoming 82002

RE: Docket No. 70003-TT-03-81

Dear Mr. Oxley:

CenturyTel of Wyoming Inc. dba CenturyTel hereby requests to withdraw tariff Advice number 03-6, filed on June 9, 2003 to establish a new tariff for Wireless Local Termination.

CenturyTel has recently made sufficient progress toward achieving additional interconnection agreements with wireless carriers so as to mitigate some of its concerns regarding termination of IntraMTA traffic and thereby alleviate the immediate need for a tariff.

CenturyTel filed this same type of tariff in most of the states in which it operates. It is also the case that CenturyTel has found it to be very challenging to attempt to litigate the filings in so many states at the same time. Therefore, in addition to Wyoming, CenturyTel is also withdrawing the filing in other select states in order to create a more manageable workload.

CenturyTel does reserve the right to re-file this tariff at a later date should it determine that the expected recovery of lost revenue due to the continued refusal of certain carriers to enter into interconnection agreements will exceed the costs of litigating the filing.

Please address all correspondence and inquiries on this matter to me at the above address. I can also be contacted at telephone number 360-905-7918.

Sincerely,

Pamela Donovan
Supervisor, Tariffs

CC: Elizabeth Zerga, Counsel for
Western Wireless Corporation

Post-It® Fax Note	7671	Date	8-29-03	# of pages	1
To	Debra Frewill	From			
Co./Dept.		Co.	WPSC		
Phone #	202-842-8817	Phone #			
Fax #	202-842-8465	Fax #			